

S/N 09/047,652PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Vassilios Papadopoulos et al.	Examiner:	Minh-Tam Davis
Serial No.:	09/047,652	Group Art Unit:	1642
Filed:	March 25, 1998	Docket No.:	1941,016US1
Title:	Peripheral-Type Benzodiazepine Receptor: A Tool for Detection, Diagnosis, Prognosis, and Treatment of Cancer		

DECLARATION UNDER 37 C.F.R. § 1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I, Dr. Vassilios Papadopoulos, declare and say as follows:

1. I am one of the named co-inventors of the above-identified patent application and make this declaration in support of the patentability of the claims in the above-identified application.

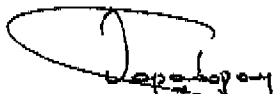
2. In the Office Action dated July 12, 2006, the Examiner asserts that nucleic acid for a mutant peripheral-type benzodiazepine receptor (PBR) lacks utility as it is an artifact of cell culture.

3. RNA was extracted from frozen samples from six colon tumor biopsies and five breast tumor biopsies and analyzed for the presence and relative amount of wild-type and variant codon 147 PBR mRNA. Generally, PBR expression was elevated in the majority of the colon tumor biopsy samples and all of the breast tumor biopsy samples. Variant PBR RNA was expressed in all colon tumor samples and highly expressed in 2/6 colon tumor samples. Moreover, variant PBR RNA was expressed in all breast tumor samples and highly expressed in 1/5 breast tumor samples. In 2 of the 3 samples where variant PBR RNA was highly expressed, the relative expression of variant PBR was greater than that of wild-type PBR.

4. Thus, contrary to the Examiner's assertion, variant PBR is expressed in tumor samples. Moreover, the majority of colon and breast tumor biopsy samples had relative increases in overall PBR expression.

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

10/11/06
Date


Dr. Vassilios Papadopoulos